THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 23456 OF 2003

Dated 25th July 2007

Between:

APSRTC, rep. By its Managing Director,
Mushirabad, Hyderabad.

…Petitioner

and

The State Transport Appellate Tribunal,
A.P., Near Exhibition Grounds, Nampally,
Hyderabad & others

…Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
WRIT PETITION No. 23456 OF 2003

O R D E R:

The 3rd respondent applied for pucca stage carriage permit, on the town service route from Butchireddypalem to Minagallu, via, Salmanpuram and Panchedu Cross road. There is an overlap of 3.7 Kms., on a notified route. Notice was issued to the A.P. State Road Transport Corporation, the petitioner herein, by the Regional Transport Authority, the 2nd respondent herein. The report of the Motor Vehicle Inspector was also obtained. On finding that the route applied for by the 3rd respondent was not formulated, as required under Section 68(3)(ca) of the Motor Vehicles Act (for short "the Act"), the 2nd respondent rejected the application, through order dated 23.8.2002.

The 3rd respondent filed an appeal before the State Transport

Appellate Tribunal, the 1st respondent herein. The appeal was allowed, through order dated 18.8.2003. The same is challenged in this writ petition.

Sri K.Srinivas Rao, learned counsel for the petitioner, submits that when the 2nd respondent has taken a definite view that the route was not formulated, there was no basis for the Tribunal, in allowing the appeal, and directing grant of permit to the 3rd respondent. He contends that in case, the Tribunal was not satisfied with the reasoning assigned by the 2nd respondent, the only course open to it was, to remand the matter, in view of the fact that the other aspects, such as, overlapping, etc., were not taken into account, while rejecting the application of the

3rd respondent.

Sri Arifullah, learned counsel for 3rd respondent, on the other hand, submits that the Tribunal found that the route in question was already formulated, and in that view of the matter, no exception can be taken to the impugned order.

The route, on which the petitioner sought to obtain the stage carriage permit, was clearly stated. On physical verification of the route, the Motor Vehicle Inspector opined that it is not a formulated route. In ***N.SWARNA LATHA v. MANAGING DIRECTOR, APSRTC***[1], a Division Bench of this court held that fresh permit cannot be granted, unless the routes are formulated, in accordance with Section 68(3)(ca) of the Act. The 2nd respondent had taken a definite view that the route applied for by the petitioner was not in existence, nor was it formulated. Since the application of the

3rd respondent was rejected, on this short ground, the

2nd respondent did not feel the necessity, to consider other aspects of the matter, particularly in the light of the objections raised by the petitioner herein. Since the Tribunal disagreed with the finding recorded by the 2nd respondent, it ought to have remanded the matter for fresh consideration, so that the other aspects would also be examined. Issuance of a direction to grant permit to the petitioner, straight away, cannot be countenanced.

Therefore, the writ petition is allowed, and the impugned order is set aside. The matter is remanded to the 2nd respondent for fresh consideration and disposal, after issuing notices to the parties, within a period of three months from the date of receipt of a copy of this order. Till such orders are passed by the

2nd respondent, the existing arrangement shall be continued. There shall be no order as to costs.

25th July 2007

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[1] 2001(4) ALD 257